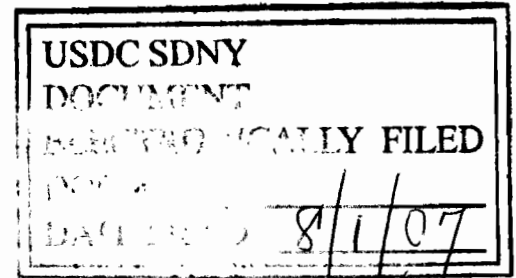




THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET, Rm. 3-193  
NEW YORK, NY 10007



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July 31, 2007

**BY FACSIMILE # (212) 805-7920**

Hon. Shira A. Scheindlin  
United States District Judge  
United States District Court  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: Alan Newton v. City of New York, et al., 07-CV-6211 (SAS) (HBP)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the City of New York. In his complaint, plaintiff Alan Newton alleges that he was wrongfully convicted of the rape and assault of a female in a Bronx park on June 22, 1984. He further alleges that the City of New York and certain employees of the New York City Police Department and the Bronx County District Attorney's Office violated his constitutional rights in connection with the criminal prosecution that arose out of that incident, which took place in 1984-85. Mr. Newton was released from state prison in July, 2006, after approximately twenty-two (22) years of incarceration. Defendants respectfully request that their time to answer, move or otherwise respond to the complaint be extended from the current due date of July 30, 2007, to September 30, 2007. We have attempted to contact plaintiff's counsel in order to ascertain his position on the instant request, but have not yet heard back from him. Accordingly, this request is made without plaintiff's consent.

The undersigned apologizes for making the instant request after the date by which defendants' answer would otherwise be due, but I was just assigned this case today.

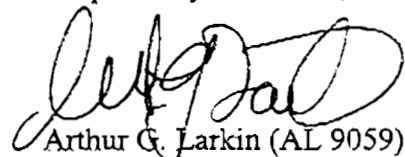
There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the

records of the underlying criminal action, including police records, have been sealed pursuant to New York Criminal Procedure Law section 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint. Furthermore, because plaintiffs have alleged emotional damages as a result of the events complained of, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incidents, so that defendant can properly assess the case and respond to the complaint.

Finally, given the passage of over twenty (20) years since the criminal investigation and prosecution, it may take some additional time for this office to locate the police officers and assistant district attorneys who have been named as defendants. We will make diligent efforts to locate these individuals over the next sixty (60) days.

No previous request for an extension has been made by defendants.

Respectfully submitted,




Arthur G. Larkin (AL 9059)  
Assistant Corporation Counsel

AGL/m

cc: John Schutty, Esq. (by facsimile)

*Defendants' request is granted.  
Defendants' time to answer, move or  
otherwise respond to the complaint  
is extended to September 30,  
2007. This extension will not  
affect the scheduling of the  
initial conference.*

*Date: 8/1/07*

*SO ORDERED*  
  
Shira A. Schendlin, U.S.D.J.